SDCI | Director's Rule 20-2017

Applicant: City of Seattle Department of Construction & Inspections	**Page** 1 of 5	**Supersedes:** NA
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Subject: Green Building Standard	**Code and Section Reference:** SMC 23.58D and 23.84A.014 "G"	
	Type of Rule: Code Interpretation and Procedural Rule	
	Ordinance Authority: SMC 3.06.040	
Index: Land Use Code/Technical Standards and Procedural Requirements	**Approved** **Date** (signature on file) Nathan Torgelson, Director, Seattle DCI	

PURPOSE

The purpose of this Rule is to describe the requirements to:

A. Meet the green building standard;
B. Use a substantially equivalent or superior standard to those in this Rule;
C. Document an owner's commitment to meet a green building standard; and
D. Demonstrate compliance with an owner's commitment to meet a green building standard.

AUTHORITY

Seattle Municipal Code (SMC) subchapter 23.58D.

BACKGROUND

The Land Use Code includes a voluntary incentive for buildings that provides additional development capacity, such as extra floor area or height in exchange for meeting a green building standard. When the incentive is used, buildings must meet the green building standard. "Green building standard" is defined as a performance based standard adopted by

the Director by rule that is equivalent or superior to standards accepted in the building industry for high-level development strategies and practices that apply to a range of structure types, save resources, and promote renewable, clean energy.

Seattle is a national leader in sustainable development and energy conservation and has set ambitious targets for reducing building energy use to become a carbon neutral city by 2050. The green building standard is meant to improve energy and water conservation beyond the current code requirements, to use resources wisely and promote healthy environments in exchange for additional development capacity.

The American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) publishes national standards for energy efficiency that are used as baselines by green rating organizations, such as Leadership in Energy and Environmental Design (LEED). However, these national standards are less ambitious than the Washington State Energy Code or the Seattle Energy Code.

The green building standard used in the Land Use Code must result in a building that performs better than the local energy code.

RULE

A. Requirements for the green building standard

1. When development must comply with the green building standard, the entire structure shall be evaluated and shown to adhere to one of the building industry certification programs listed in Table A. Each structure is to be evaluated separately.

TABLE A

Green building standard by use

Building Industry Certification Program (1)	**Structures containing only residential uses**	**Structures containing only non-residential uses or a mix of residential and non-residential uses** (2)
Leadership in Energy and Environmental Design (LEED) for Building Design and Construction Gold, version 4 and LEED for Homes, Gold, version 4	X	X
Built Green 4 Star, "single family new construction checklist WSEC 2015 (6/19/2017)" or "multifamily new construction checklist 2017"	X	

Passive House Institute (PHI), Passive House Planning Package (PHPP) version 8.5 or 9 (2015)	X	X
Passive House Institute US (PHIUS), version PHIUS + 2015	X	X
Living Building Challenge -Net Zero Energy Building Certification	X	X
Living Building Challenge Living Certification version 3.1	X	X
Substantially equivalent or superior standard	X	X
The following standard is only available for projects applying for funding from the Washington State Housing Trust Fund and/or the Seattle Office of Housing		
Evergreen Sustainable Development Standard (ESDS), version 3.0	X	X (3)

Footnotes:

(1) Versions listed for each program are the earliest versions that will be accepted. Newer versions and checklists will be accepted when made available by a certification program.
(2) The entire structure (residential and non-residential uses) must be evaluated for a certification program to qualify as a green building standard. Limitations may apply per the applicable certification program.
(3) For projects using ESDS, only that portion of the structure in residential use is required to adhere to the certification program.

2. Except for projects applying for funding from the Washington State Housing Trust Fund and/or the Seattle Office of Housing, in addition to achieving certification by one of the programs listed above, the building(s) must demonstrate annual energy use at least 15 percent lower than required by the 2015 Seattle Energy Code (SEC).

3. Demonstrating a substantially equivalent or superior standard. An applicant may request consideration of a substantially equivalent or superior standard, to be reviewed on a per project basis. Costs to prepare the analysis will be the responsibility of the applicant. SDCI will review such analysis at the applicable land use hourly rate.

a. *Commitment letter*. The Director may approve a substantially equivalent standard if the applicant submits a written request, signed by the owner or financially responsible party. The request must include:
    i. Documentation demonstrating to the Director how the proposed standard is equivalent or superior to the standards of one or more of the building industry certification programs listed in this Rule; and
    ii. Identification of an independent third-party organization to evaluate compliance with the standard.

b. *Documentation showing equivalence*. Broad-based programs, such as Built Green and LEED target a range of categories including energy, water, waste, materials, and indoor air quality. Programs such as PHIUS + 2015, PHI, and ILFI Net Zero, rely on meeting aggressive energy reduction targets that approach or exceed net zero energy. An application to meet a substantially equivalent or superior standard must include an analysis that either:
    i. addresses how adherence to the standard will result in an impact reduction equivalent or better than those resulting from the broad-based programs. Such an analysis must include, at a minimum, an evaluation of the following:
        a) Achievement of at least 15% less energy demand as compared to the 2015 SEC;
        b) Water conservation strategies;
        c) Waste reduction strategies;
        d) Use of materials that are less harmful to the environment and humans; and
        e) Improvement of indoor air quality; or
    ii. demonstrates energy savings analogous to the PHIUS + 2015, PHI, or ILFI, net zero standards.

B. Documenting the green building standard commitment

1. Prior to issuance of a Master Use Permit (MUP), or a building permit if no MUP is required, the applicant shall include in the plans a written statement, signed by the owner or financially responsible party, identifying which green building standard will apply and stating that the project will achieve an annual energy use of at least 15 percent lower than required by the 2015 SEC. The statement shall acknowledge the requirement to submit documentation demonstrating compliance as required by SMC 23.58D.004 and acknowledge that failure to show compliance is subject to penalty pursuant to SMC 23.58D.006. A sample letter is attached to this Rule.

2. Prior to issuance of a building permit the applicant shall submit documentation to the Director that the owner or financially responsible party has registered the development project with the applicable independent third-party organization(s) that will certify the project's adherence to required standards.

C. Demonstrating compliance. To demonstrate compliance, the owner or financially responsible party on file with SDCI, shall submit the following information to the Director as specified in the Land Use Code, 23.58D.004:

1. A report, prepared by the applicable independent third-party organization(s) listed in Table B, affirming that the project adheres to the green building standard.

TABLE B
Independent Third-Party Organization by Green Building Standard Certification Program

Green Building Standard – Certification Program	Independent Third-Party Organization to Prepare Compliance Report
LEED	Green Building Certification Institute
Built Green	Master Builders Association of King and Snohomish Counties
PHI	Passive House Institute
PHIUS	Passive House Institute US
Net Zero Energy Building and the Living Building	International Living Future Institute
ESDS	Report produced per process managed by the Housing Trust Fund Contract Manager for the State of Washington
Substantially equivalent or superior standard	Other independent third-party organization approved by the Director

2. Documentation from the third-party organization(s) that the project is designed to achieve an annual energy use of at least 15 percent lower than required by the 2015 SEC. The report can demonstrate compliance in one or more of the following ways:
    a. Provide documentation meeting the requirements of one of the following C407.3 options adjusted by 15%;
        i) Proposed building design utilizes SEC Section C407.3 number 1 for code compliance and energy model provided demonstrates an annual energy use less than or equal to 74% of standard reference design (Per code, C407.3 requires 87% of standard reference design)
        ii) Proposed building design utilizes SEC Section C407.3 number 2 for code compliance and energy model provided demonstrates an annual energy use less than or equal to 76.5% of standard

reference design (per code, C407.3, requires 90% of standard reference design),

iii) Proposed building design utilizes SEC Section C407.3 number 3 for code compliance and energy model provided demonstrates an annual energy use less than or equal to 79% of standard reference design (per code, C407.3 requires 93% of standard reference design),

iv) Proposed building design utilizes SEC Section 401.3 for code compliance and energy model provided demonstrates the energy use target is at least 15% lower than SEC energy use targets.

b. For residential buildings defined as one and two-family dwellings and multiple single-family dwellings (townhouses) as well as Group R-2 and R-3 buildings three stories or less in height above grade plane, document an annual energy use of at least 15 percent lower than required by 2015 SEC.

i) Certification under the Built Green Single-Family checklist WSEC 2015 satisfies this requirement.

c. Other form of documentation that demonstrates at least 15% lower than required by 2015 SEC as found to be acceptable by the Director.

Attachment

SAMPLE Owner Commitment Letter for Plan Set

DATE: [*insert date]*
TO: SDCI Zoning Reviewer
RE: *[insert Project Address]*
[insert SDCI Project Number]

I _____am the owner or financially responsible party.

The proposed project, referenced above, will meet the green building standard by earning a [*insert program rating and version*)], and the proposed building(s) is estimated to achieve an annual energy use of at least 15 percent lower than required by the 2015 Seattle Energy Code.

I acknowledge the compliance requirements in SMC 23.58D.004, and will submit documentation from the applicable third-party organization to certify that the project has met the green performance standard referenced above. I acknowledge that this documentation must be received no later than 180 days after issuance of final Certificate of Occupancy or final inspection if no Certificate of Occupancy is required, or by such later date as may be allowed by the Director.

I acknowledge that failure to submit the applicable documentation within the established timeframe could result in penalties of $500 per day and failure to show compliance is subject to a maximum penalty of 2 percent of construction value pursuant to SMC 23.58D.006.

Sincerely,

_____
Owner or financially responsible party on file with SDCI